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Report of

THE PARKWAY BELT WEST INTERESTED GROUPS AND RESIDENTS ADVISORY COMMITTEE



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REPORT TO

THE HON. W. DARCY McKEOUGH

TREASURER OF ONTARIO AND MINISTER OF

ECONOMICS AND INTERGOVERNMENTAL AFFAIRS

FROM THE PARKWAY BELT WEST

INTERESTED GROUPS AND

RESIDENTS ADVISORY COMMITTEE

March, 1975 Toronto, Ontario



PARKWAY BELT WEST

INTERESTED GROUPS AND RESIDENTS ADVISORY COMMITTEE

801 Bay Street Toronto, Ontario February 21, 1975

The Honourable W. Darcy McKeough Treasurer of Ontario and Minister of Economics and Intergovernmental Affairs

Dear Mr. McKeough:

As requested by the Honourable John White on June 18, 1974, pursuant to Section 3 of the Ontario Planning and Development Act (1973), we have been reviewing the plans prepared by government staff concerning the Parkway Belt West and have prepared a report thereon.

We are pleased to submit herewith our report which we trust you will find helpful.

Should you wish further assistance from us in the subsequent stages of implementation of the Parkway Belt West Plan, we shall be pleased to be informed of your wishes.

F. Warren Hurst, Chairman

Ernest R. Alexander

Ontario Municipal Electric Association

T. Broadhurst, Resident

Colin A. Campbell Association of Professional

Engineers of Ontario

Geo. W. Carpenter

Ontario Natural/Gas Association

Comyns Housing and Urban Development

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NOTE: Apart from the signers, others who shared in the preparation of this report through part-time representation on the advisory committee or as committee alternates for the signers include Janet Lay, Rae Cunningham, Helen White, Edward A. Perry, Phil Carberry, Lee Symmes, John W. Smith, E. C. Nokes, Edward D. Learoyd, James G. Marshall, John G. Dow, Fred Wade.



PREAMBLE

The Parkway Belt West Interested Groups and Residents Advisory Committee has completed its study of the Parkway Belt West Plan as prepared by government staff and is reporting herewith.

Our study commenced in June 1974 and continued with almost weekly meetings during the summer and early fall months and into 1975. Sixteen meetings were held in all. In addition to discussions with staff assigned to the preparation of the Plan, we have also met with other government staff responsible for planning of future highways, transit, hydro lines and trails as well as conducting on-site inspections of the areas involved. No information requested has been withheld and we have been pleased with the co-operation received.

TERMS OF REFERENCE

Under Section 3 of the Ontario Planning and Development Act (1973) the minister (Treasurer of Ontario and Minister of Economics and Intergovernmental Affairs) was required to

"establish two or more advisory committees consisting of such persons as the minister appoints, one of which will represent the municipalities in the development plan area in whole or in part and one of which will be broadly representative of the people of the development plan area, to advise and make recommendations to the minister in respect of the preparation and implementation of any development plan, and to perform any other function given to them by the minister."

At our first meeting on June 18, 1974, the Hon. John White, your predecessor in the treasury portfolio, requested our committee at this stage to assist the Parkway Belt staff in resolving the issues and to report final comments to him directly. He also indicated that in future, our committee



could, if it chose, present a submission at the public hearings and should be available if requested to review the report of the hearing officers and to further advise him during implementation of the Plan.

The following comments and recommendations respond to the minister's request for the initial stage of our assignment and have been grouped generally in accordance with the sections of the third draft of the Parkway Belt West Plan with which we have been dealing.

SECTION 1 - INTRODUCTION

(a) Justification

The Introduction section of the Parkway Belt West Plan generally summarizes the location, authority and definitions used in wording of the Plan. It also refers to an appendix (not yet ready for our review) describing the historic background and philosophy of the Plan as well as its preparation, approval, amendment and review processes.

However, there does not appear to be included a clear and concise outline providing a justification for the Plan.

We are aware of the goals and objectives as listed in the Plan and find these desirable. We are also aware of a favourable public response to your A Status Report on the Toronto-Centred Region in August 1971 wherein you state "Of all the public responses which we have received since the release of the report (Design for Development: The Toronto-Centred Region) in May 1970, one of the most gratifying has been the endorsement of our decision to establish the Parkway Belt."

However, nowhere do we find any assessment or statement of the costs either to the public at large or to these land-owners directly affected by the introduction of the Plan. Without information on costs which can be considered together with a listing of the benefits expected, it is difficult for



persons considering the Plan to come to informed judgments on net benefits or costs of the Plan.

We have in mind at least the following types of information as being required:

Benefits (i) To the public at large

- a critical element in the two-tier approach to lakeshore municipalities (sense of community, separation, corridors)
- provides desirable links to Escarpment, conservation and recreational areas and trail systems
- avoids undue dislocation within urban areas for utilities and transport
- (ii) To landowners and rights holders affected
 - enhances enjoyment of certain uses in adjoining areas

Costs (i) To the public at large

- the cost of public land acquisition and other compensation (if any)
- the impact on the provincial economy through altering of normal economic processes
- (ii) To landowners and rights holders affected
 - the loss of future development rights, less compensation (if any)
 - re-location troubles and costs

WE RECOMMEND that a new section be added or that the Introduction section be enlarged to include a treatment of the justification for the Plan, including a cost/benefit analysis along the lines indicated above.

(b) Definition of Goals and Objectives

In the definitions listed in the Plan, goals and objectives are defined as follows:



Goals
"The ideal or end to which a planned course of action is directed. It is a value to be sought after, not an object to be achieved"

Objectives "The end of action or situation to be reached. It is capable or both attainment and/or measurement"

We question the need for distinguishing goals from object—
ives and believe that the effort unnecessarily complicates the
picture. Some objectives cannot be "attained and/or measured"
as for example in 3.6 ("Place in one corridor as many as possible
of the major transportation, communication and utility facilities..").
Also, goals statements tend to be given little weight by
readers if a stated goal is "not an object to be achieved."

WE RECOMMEND that the term "objectives" be used and defined to cover both goals and objectives and that the separate lists of goals and objectives be merged into one list of objectives, but designating separately those that are general and those that are specific.

SECTION 2 - GOALS OF THE PARKWAY BELT SYSTEM

No further comment. See above.

SECTION 3 - OBJECTIVES

(a) Encouragement of Food Production

The objectives given in the Plan include items such as the preservation of natural features but fail to include the preservation of areas for agriculture and the encouragement of food production as stated objectives.

During discussions with the Parkway Belt staff, we have been made aware that the staff has had in mind during its plan preparation a knowledge of which areas are prime agriculture land and which areas are not so, generally avoiding putting first-class agricultural land to other use. However,



there is no reference to this among the stated objectives. Indeed, the only reference we have noted in the Plan comes under Policies (section 5.1.2 (c) discussing agricultural incentives, block sizes and garden allotments, and section 5.1.2 (d) discussing implementing legislation.)

Staff has also indicated an awareness of some of the problems in conducting some types of farming close to urban areas (i.e. apple orchards and stealing, sheep losses from city dogs). However, again we do not find this awareness reflected in the written word.

We do find that, in a number of instances, lines have been drawn to include woodlots without indication to us of attention having been paid to the impact on the present farm as an economic unit. The creation of less than economic units as a result of land removals or restrictions for Parkway Belt use seems hardly likely to achieve the desirable objective of food production in appropriate areas which we believe should be stated.

In addition, we do not find among the objectives that of re-structuring smaller farm units created by land removals for the Plan into larger economic blocks. Nor do we find reference to the potential problem of creation of undue isolation of food suppliers from nearby markets as a by-product of the separation objectives in the Plan. In addition there is no reference in the Plan to the problems of insecurity in length of tenure on individual farmers' decisions to add capital improvements—a necessary part of a healthy food production system which we believe should be among the stated objectives of the Plan.

WE RECOMMEND that preservation of high-quality agricultural land in agricultural use be included among the stated general objectives of the Parkway Belt West Plan and be given priority at least as high as that of parkland development and retention. Moreover, the government should consider grouping of smaller Parkway Belt farm lands where possible into larger economic units through acquisition and leaseback arrangements covering uneconomic and/or isolated farm properties.



(b) Encouragement of Reforestation

There is reference among the objectives to the protection of features such as wooded areas (3.13) but nowhere among the stated objectives do we find reforestation given as a stated objective.

During our on-site inspection of the Parkway Belt West lands, we noted many instances such as the major area west of the Ninth Line and north of the Queen Elizabeth Way where there now are good tree stands, but many other areas contain rather scrubby growth that we believe would be desirable candidate areas for reforestation.

We favour reforestation programs in the Parkway Belt where appropriate and of a kind that appear natural to the landscape with a variety of shapes rather than in unnatural blocks or "coniferous deserts". Reforestation could also occur within thin or scrubby or otherwise less acceptable existing tree stands.

WE RECOMMEND that reforestation be included among the stated objectives of the Plan and that appropriate designations be included on the maps at points where this would be desirable.

(c) Areas for Recreational Vehicle Use

We note with pleasure that the objectives do include (3.11) the creation of "major public open space that will provide opportunities for recreational activities that are accessible to the two-tier system of urban areas."

Unfortunately, much of the designated open space, such as in the Northern Link with the hydro line to the south and Highway 407 to the north, is really unsuitable for quiet enjoyment of recreational pursuits and relatively few large open areas are included that are well clear of service corridors. This we regret.

However, we do feel that an improvement could be made by a broadening of the present objective to include the



"unloading" to appropriate "quiet" areas of those recreational uses that involve noise and other environmental problems. It appears to us that the dedication for recreation vehicle use of some lands, where noise is of little concern, close to transportation corridors within the Parkway Belt, should be considered. This could have the very desirable effect of reducing the noise and other problems on trails such as the Bruce Trail outside the Parkway Belt itself, as well as improving quiet enjoyment of the trails such as those existing or planned for natural or scenic points of interest within the Plan. Areas specifically set aside for use by operators of recreation vehicles such as snowmobiles, dune-buggies, allterrain vehicles and motorcycles should please the operators who would be free of complaints while at the same time pleasing the users of hiking trails and the farmers lending land for hiking trail purposes who would be free of noise and problems associated with recreational vehicle use.

While we favour the use of the Parkway Belt lands for this purpose, we are aware of the dangers of putting snowmobile trails too close to transportation facilities such as rail lines, thereby, perhaps, encouraging snowmobilers to travel on railway or road rights-of-way. This is a dangerous practice. Any snowmobile trails in the Parkway Belt should be well-defined, and so located and marked as to discourage travelling on rails or roads. As the province has now enacted major segments of new legislation limiting a landowner's liability should there be trespassing snowmobilers on his land, use of hydro-electric transmission rights-of-way would appear to us to be acceptable as snowmobile trails, although perhaps not as appealing to the snowmobile users as trails elsewhere primarily for the purpose.

WE RECOMMEND that the objective of providing designated Recreational Motor Vehicle Use areas be included among the stated objectives with the dual purpose of providing appropriate areas for such recreation and of unloading of undesirable use from hiking trails and scenic points.



(d) Separation Objective not Appropriate

In only one instance did we find that an objective was not appropriate and hence should be removed if our understanding of the situation is correct.

In the Southern Link, specific objective 6.2.2 (f) calls for the separation by open space of the Mississauga and Streetsville urban areas. If it were intended that these areas be so separated, then the East-West land corridor is too narrow and the node at the Credit River too small. However, we were informed during our discussions that the intention is not to have much more than a transportation and utility corridor as separation in that the urban area is expected to grow into a fairly continuous L-shaped area including Mississauga and Streetsville. As land costs for a wider separation strip in this area would undoubtedly be very high and we have no reason to exclude the use of this land for urban purposes, it would appear that the appropriate remedy is instead the correction of the objectives by removal of the separation objective at this point.

WE RECOMMEND that the separation objective (6.2.2 (f)) be removed from the specific objectives of the Southern Link provided that the provincial intention is to permit an L-shaped urban area including Mississauga and Streetsville. If not, then attention should be directed towards widening the proposed Parkway Belt to provide a more effective separation.

SECTION 4 - PLAN INTERPRETATION

(a) Description as "Parkway Belt"

We recognize that the designation of "Parkway Belt" has been utilized to describe the system of corridors and open spaces since the earliest days. However, we believe that the name is misleading and raises expectations that will not be met.



Since the earliest descriptions, increasing emphasis has been placed on "park-like" uses as can be seen by comparing the current Plan with the earlier description in <u>Design for Development</u>: The Toronto-Centred Region in 1970 as

"a multi-purpose service system which would incorporate many kinds of transportation, pipelines and electrical power lines, water and sewer lines, where applicable, with open space added. It would reduce the number of separate swaths cutting through the future urban communities. Defined open space would provide trails joining intersecting ravines and the abutting parks, a buffer against traffic noise, room for selected low-density public facilities and respite from the frustrations caused by continuous urbanization. The essentials are that it would include as many parallel transportation facilities, servicing and energy facilities (pipelines as well as electrical) as possible, and at the same time provide the greatest degree of flexibility for the future."

However, in the areas closest to Metropolitan Toronto, little is provided in the way of open space except for narrow strips with an expressway on one side and a hydro-electric transmission tower line on the other side. This is hardly what springs to mind on hearing the word "Parkway".

The other word, "Belt," has even less to recommend it.

Unlike the greenbelt in Ottawa, this Parkway Belt West doesn't really ring anything; rather it forms the spine of the system of two tiers of municipalities, separating the municipalities from each other and from undeveloped areas.

At the same time we are aware that more than half of Parkway Belt acreage—usually more distant from Toronto rather than close at hand—is comprised of open space including park and farm land, and that the existence of this component should be recognized in the title.

We also recognize that the name "Parkway Belt" has become historical and a familiar public phrase through long usage.

Nonetheless, we feel that a more appropriate title is warranted.



WE SUGGEST that the Parkway Belt be renamed "Parkway Service Corridor" and that the Parkway Belt West be renamed Parkway Service Corridor West.

(b) Categories of Public Use Area and Complementary Use Area

We have encountered considerable difficulty in the distinction between Public Use Areas and Complementary Use Areas in that:

- (i) some privately-owned areas existing prior to the adoption of the Plan are included as "public use" areas in the Parkway Belt West, even though not necessarily open to the general public, and
- (ii) public ownership lands may be located in "complementary use" areas of the Parkway Belt West as well as areas designated as public use.

Although we have been informed on the need in planning to control "use" rather than "ownership", we also see the need to inform the public that "public use" lands may not be open to the public, even though publicly owned. Also, the public should be informed that "complementary use" areas are not always privately owned but may include lands in public ownership. If more designations are used, these would facilitate anyone with property rights understanding what the status of the area is and would facilitate a public understanding of whether private rights are involved or not.

We also have some difficulty with the word "complementary" which has several common meanings. We prefer the word "compatible" for areas that are required to be used in a manner that follows the objectives of the Plan.

WE RECOMMEND that the two present designations, Public Use Area and Complementary Use Area, be replaced by four designations showing ownership as well as intended use as follows:

- (i) Public Use Areas (present public ownership or scheduled to be acquired)
- (ii) Private ownership in Public Use Areas
- (iii) Public Compatible Use Areas
- (iv) Private Compatible Use Areas



(c) Integration with Other Systems

Despite the frequent references by Parkway Belt West staff to the intended "fit" of the Parkway Belt West with adjoining planning and control systems, there is no reference in the Interpretation section introducing the maps (4.2.1) to the way in which the Parkway Belt West is intended to fit into and be complementary with other systems such as the Niagara Escarpment plan, the conservation authorities in adjoining areas, the trails system, the "hole-in-the-doughnut" area intended to remain undeveloped and the Parkway Belt East. At many points the Plan is "open-ended", the person who drew the Plan knowing what is to lie beyond, but others not likely able to appreciate what is intended as an overall scheme.

To some extent, this problem of "fit" into overall plans is reduced by the recently released Central Ontario Lakeshore Urban Complex task force report in which Figure 5 does show the relation to the Niagara Escarpment Planning Area and the Parkway Belt East. However, it does not show important relations to conservation areas, trails and areas where development is not to take place or be deferred. Also, the COLUC report is only a task force report and hence does not represent government policy, unlike the Parkway Belt West.

We understand that the Parkway Belt West Plan itself, as a legal document, cannot include areas beyond its scope. However, we see no reason why an appendix cannot be added to inform readers of the fit with existing or planned systems beyond the bounds of the Parkway Belt West Plan area.

WE RECOMMEND that the Parkway Belt West Plan contain an appendix including maps showing detail of immediately adjoining systems (provincial, municipal or authority) that have a connection with the Parkway Belt as a planning influence.

(d) Use of Colour on Maps

The maps we have been shown are difficult to follow because of use of shades of the same colour or black to show



different categories of intended use. We were informed that this was done for budgetary and time-saving reasons, quite understandable for in-house purposes.

WE RECOMMEND that for public presentation, different colours rather than shades of the same colour be used. We also recommend that narrow bands of colour of appropriately varying width replace the present use of dotted or solid black lines for linear facilities.

SECTION 5 - POLICIES

(a) Public Real Property Acquisition

(i) The intent of the province as indicated under Policies section 5.1.1 (b) is that real property required to be purchased from private owners will be scheduled over a period of years determined by provincial needs and wishes, not those of the landowners involved.

We accept this requirement but also add a different view. After the Parkway Belt West Plan has been adopted, we believe that the real property owner should have as much control over the timing of a sale as the province, provided that such control of timing by the owner does not extend beyond the provincial deadline for acquisition. Also, in order that there be some assurance on both sides that negotiations not be allowed or designed to drag by the use of unrealistic proposals, we favour either side being able to initiate procedures which would assure resolution in a reasonable period of time with the help of an independent party.

Two alternatives that might be considered are as follows:

First, expropriation by the province or expropriation-like procedures as requested by the owner (this alternative would assure a resolution with the benefit of persons experienced in Land Compensation Board pro-



cedures and would include rights of appeal and the use of processes that are understood and have been tested over time), and

Second, arbitration (in which each party selects one arbitrator, these then selecting a third. Some benefits in the first alternative are lost, but the process is quicker.)

WE RECOMMEND that the Parkway Belt West Plan give the right to a real property owner faced with acquisition to petition the province to receive an immediate offer on his land. In the event that the offer is not satisfactory, then either the province or the owner may institute expropriation or expropriation-like procedures or compulsory arbitration to settle the question in reasonable time.

(ii) We also have some concern that in the scheduling of acquisition of lands by the province, the province does not have to give its own specific time goals for completion of certain public segments such as connecting link highways, hydro lines, etc. This might mean that the Plan, although started, would have very little real meaning for people and tend to drift in the public mind.

WE RECOMMEND that specific time goals for the completion of the acquisition of lands for identifiable purposes be inserted into the Plan.

(iii) In the case of land acquisition by the province, the most common method of payment historically has been by the offer of cash. In many cases, the receipt of cash may give the recipient the most flexibility, but we see no reason why other forms of compensation might not be considered where appropriate. If so it would be well to make this clear in the Plan.



Among the alternatives we have discussed are offers made up in whole or in part of:

- cash
- provincial bonds in marketable form
- alternative sites as a substitute
- lease-backs at favourable rates (present-valued)

In the case of land still to be farmed, the latter option might assist the province in arranging the management of the farming of the lands which could otherwise be a more troublesome problem.

WE RECOMMEND that the province permit and encourage flexibility in the form of offers for real property recognizing the circumstances involved.

(b) Fiscal Measures and Administrative Programs

Under section 5.1.2 (c) an intention is stated to use "all fiscal measures and administrative programs that are available and appropriate to facilitate and support the kinds of development that are to be encouraged in Parkway Belt West". Examples are given as market value assessment and certain measures to support agriculture.

The example of market value assessment is not correct as it is neither a fiscal measure nor a measure to encourage appropriate development in the Parkway Belt. Market value assessment will shift burdens of municipal tax compared with non-market value assessment but it is neither a revenue-raising nor expenditure measure, hence not a "fiscal measure".

We have already dealt with the measures to support agriculture under our comments on encouraging food production.

The two fiscal measures and administrative programs of which we have been informed and which could be used as examples are centralized purchase of land by one government agency for most others and the possibility of landowner relocation steps. Beyond this, we are not aware of fiscal or administrative programs intended for the promotion of this Plan.



WE RECOMMEND that a clearer idea of what types of fiscal measures and administrative programs be given, or that no reference to this intention be made.

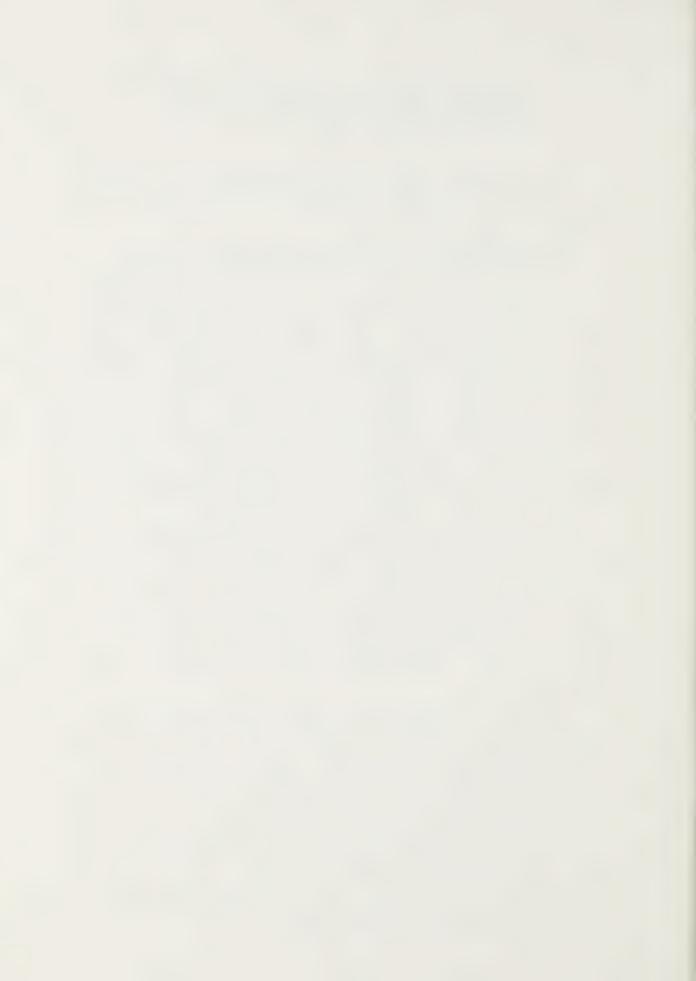
We do, however, have one recommendation for a fiscal measure which will further acceptance of the Parkway Belt West Plan and we deal with this next.

(c) Fiscal Measures to Recognize Down-zoning/Devaluing

If any one defect has come forward in our discussions more than any other, it is the failure to deal fairly with those whose lands are not taken away, but who either lose development rights or expansion rights without any compensation being contemplated. This we believe to be wrong in principle. However, we have also come to realize that to correct the problem not only increases costs but also raises problems of precedent and how to draw the line between those who should qualify and those who shouldn't. Despite these problems, we squarely come down in favour of not ignoring the problem.

In cases where some level of government (federal, provincial, municipal or authority) imposes a restriction on the use of private property for the overall public benefit and makes no payment of compensation or takes no other corrective action, then the costs associated with such public benefit are not borne by the beneficiaries (the public) but rather by the owner involved. This process violates fundamental concepts of individual rights.

If the interference with property rights is complete, as with forced expropriation of land, then a remedy is available in the expropriation procedures. If "down-zoning" or "devaluing" by removal of development or expansion rights is used instead, then a partial interference with property rights is accomplished. If the partial interference is not accompanied by any remedy (as proposed in the Parkway Belt West Plan), then unfairness results, just as it would result if compensation were paid only when full farms were taken, nothing being paid for parts of farms taken.



In principle, we believe that the affected owner of down-zoned or devalued land should be placed in the same position as owners of other lands not affected, that is, bearing his share of the cost of the public benefit less any benefit he receives, but nothing further. This need not extend to subsequent owners who acquired in the knowledge of the loss to the affected owner.

To apply this principle in the case of down-zoned land or land where development or expansion rights have been removed, the owner of such land in theory should receive (or remit) at the time of change the difference between the market value just prior to the announcement of the change and what he could actually realize on sale after the announcement. The source of payments to landowners should be provincial general revenues. This is because the beneficiaries of Parkway Belt West restrictions are more closely allied to the provincial level than the national or local level of government. Also, the provincial general revenues include proceeds of the land speculation tax and a share of capital gains taxes (both of which are increased as non-Parkway Belt lands gain value from the existence of the Parkway Belt). In the unlikely event that a landowner in the Parkway Belt experienced a net benefit from having development or expansion rights removed on the lands nearby, then in principle the reverse should hold and payments should be made to the province. However, we do not believe that this would occur often enough to cause concern in the application of the principle.

The first complication in applying the theoretical principle comes in the timing of compensation payments. Each time that an announcement comes of a change by government action affecting the development potential of land, it is impractical to think of payments being required into or out of government. Also, if the changes were frequent and unaccompanied by arms-length sales each time, both the values before and after would have to be determined by appraisal, an inexact process at best. Although it would represent a



departure from the ideal, we are inclined to set the values "before" an announcement of change not by an appraisal but instead by the use of a listing of set acreage values where lands have roughly similar values and determined as of June 3, 1973, the day before the announcement of the Parkway Belt Policy. The other determinant for any compensation, the value "after" an announcement, should only be determined by actual arms-length sale whenever and if ever this occurs. Prior to deciding on any sale, an owner of affected lands can weigh the benefits of continued ownership against the loss of use of funds that would arise from such a sale plus the added compensation. If this were done, we believe, the affected landowner would be put into much the same position to control his timing as we have recommended for owners being expropriated or bought out in total by the province.

A second complication in applying the theoretical principle comes in determining where a line should be drawn between those changes in value qualifying for compensation and those not to be compensated. There seems to be no problem in justifying payment on one end of the scale when all rights to the land are being taken (expropriation or purchase). On the other end of the scale, there would be considerable problem in justifying payments if all landowners say in a municipality were equally affected (as in down-zoning, say by means of a universally-applied 45-foot height limitation).

One of our members has suggested that compensation should be considered only when development had actually started and was then stopped by the Parkway Belt. However, the others of our committee believe that a loss of property rights occurs if the right once given to develop is later taken away, whether a start has been made or not on the development. However, the right should have been actually given, not merely expected to be given.

Approximately 15,000 acres of private land in complementary use areas is shown at present in official plans as being designated for uses other than those of the Parkway Belt.



Most of the rest of the land is shown as "agricultural" on official plans with no indication of development rights having been actually given. We believe that the existence of official plan designations favouring development is the appropriate cut-off for determining whether rights were lost (15,000 acres) rather than the later stage of actual zoning designation (3,000 acres). We have come to this conclusion as a prospective purchaser could assume that zoning changes to suit the official plan designation would in most cases be readily obtained. Thus about 15,000 acres would qualify for compensation for rights lost to the Parkway Belt use.

The balance of private land in the complementary use area has no present rights to development, hence in our view should not generate compensation as no "rights" are being lost because of the Parkway Belt introduction. Any change in value on this land, which would require both an official plan change and a re-zoning before any development could occur, we think of as part of the risk that landowners (farmers, developers, businessmen) should accept as a normal consequence of asset ownership in a democratic society.

In summary, we favour broadening the categories receiving compensation from the present limited one where all rights are taken by expropriation or purchase to add those cases where some development rights once granted are taken away, but not going so far as to include compensation for loss of potential development rights if none had ever been granted. This distinction can be defined as:

Compensation Due

- 1. Real property taken by expropriation or purchase.
- 2. Real property where development or expansion rights existing in legislation and official plans as of June 3, 1973 were or are to be removed in Parkway Belt legislation and subsequent implementing official plan changes.

Compensation Not Due

- 1. Real property acquired after the June 4, 1973 announcement (in assumed knowledge of the intended restrictions).
- 2. Real property lying outside the Parkway Belt planning area, regardless of visual or other impact from the creation of the Parkway Belt.

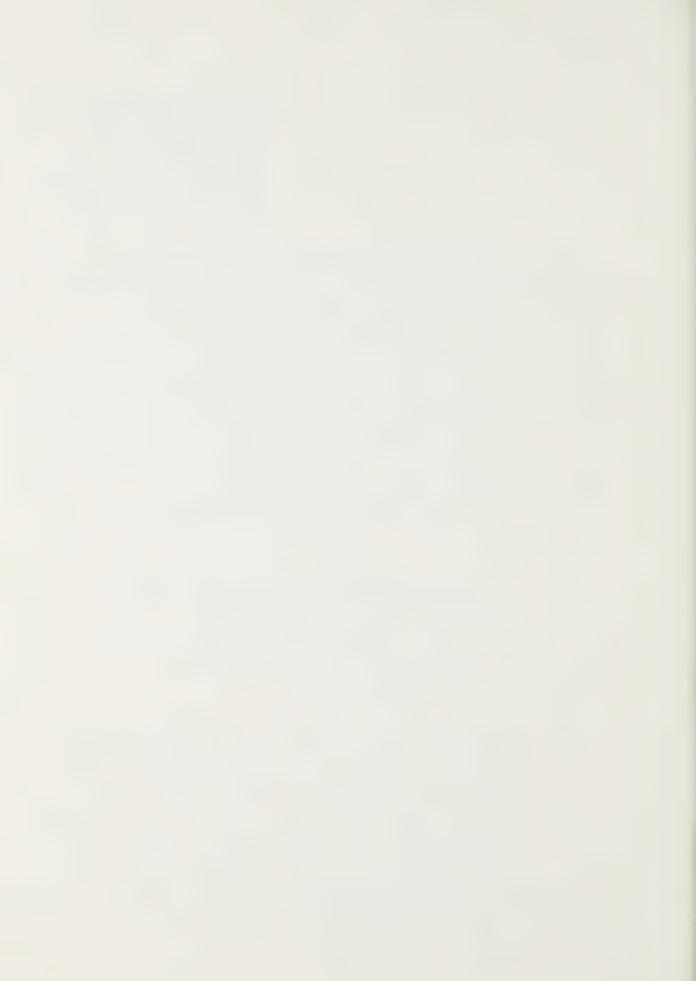


3. Real property where development or expansion rights have not been changed by the Parkway Belt legislation, only the expectation of later approvals for development or building expansion have been lost thereby.

As to our choice of the announcement date of June 4, 1973 as the date from which changes in value should be recognized, we are aware that an earlier government announcement on the Toronto-Centred Region was made in May, 1970 and it did make reference to the desirability for a Parkway Belt generally consistent in location with that shown in the June 4, 1973 announcement. However, in the Toronto-Centred Region release, the Parkway Belt corridor was not precisely located and was merely a concept, not actual policy. Also, it is our understanding that little if any impact on land prices in the area affected by the later Parkway Belt Plan resulted from that earlier announcement. Hence, we have chosen June 4, 1973 as the appropriate cut-off date after which rights lost and values changed should attract compensation.

As to the form for compensation, we favour provincial offers of compensation for the rights removed. If agreement is not reached on such offers, we favour resort by either side to procedures similar to those of the Expropriation Act for the same reasons as mentioned in our recommendations concerning outright purchase of real property.

We recognized that the price tag for provincial acceptance of this recommendation will be high (perhaps \$3,000 per acre on 15,000 acres or \$45 million), but perhaps this amount is not out of line when considering the cost of land to be purchased outright (about \$250 million exclusive of lands for the 500 kV hydro-electric line right-of-way). Against this new cost of \$45 million, we believe that there is an offset in the provincial and municipal time and dollars saved in not having to "sell" beneficial land use planning concepts to



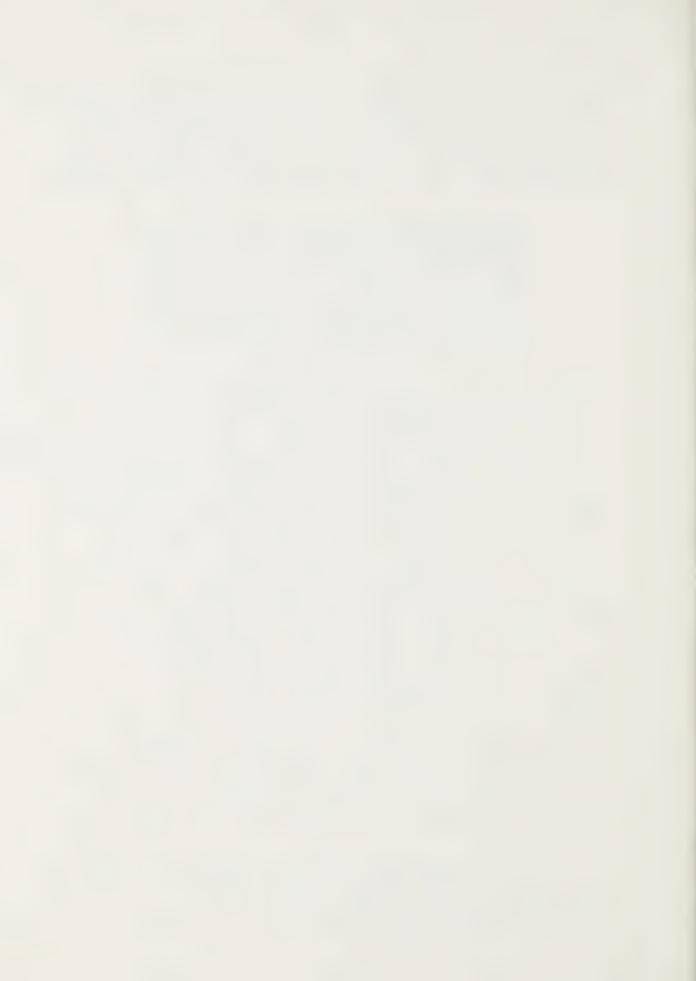
those affected who now are moved to oppose such ideas as they themselves will have to bear the costs from loss of valuable rights. The overall public benefit of the scheme carries little weight with such landowners as against the costs to be borne personally, unless compensation for lost rights is paid.

WE STRONGLY RECOMMEND that compensation be provided to those who owned real property in complementary use areas of the Parkway Belt West as of June 3, 1973 and who suffer loss of development or expansion rights by reason of pending changes in official plan designations or zoning to conform to the new provincial legislation implementing the Parkway Belt West.

(d) <u>Legislation to Support Agricultural Use of Land and</u> Preservation of Tree Cover

Although it may be argued that the Parkway Belt West Plan need only state this objective and go no further, we believe that many readers of the Plan will be looking to the Parkway Belt service corridors and open or treed areas merely as locators of future growth and development. They will forget that productive crop land is equally as important to our quality of life as recreation and non-developed areas. Unless the statement of the objective goes further and reminds us of the reasons for placing agriculture in a key role in reviewing alternatives for land use, then the simple statement of an objective favouring agriculture and trees will have little impact. We know that the Plan staff had this objective in mind in its deliberations but for some reason the major objectives listed in Section 3 only refer to protecting "features such as wooded areas, watercourses and other points of interest" but fail to include the promotion of food production at appropriate locations within the Parkway Belt as an objective.

A further step is also required in our view and that is the outlining of specific policies intended to be implemented to encourage agriculture in areas that are appropriate. Not



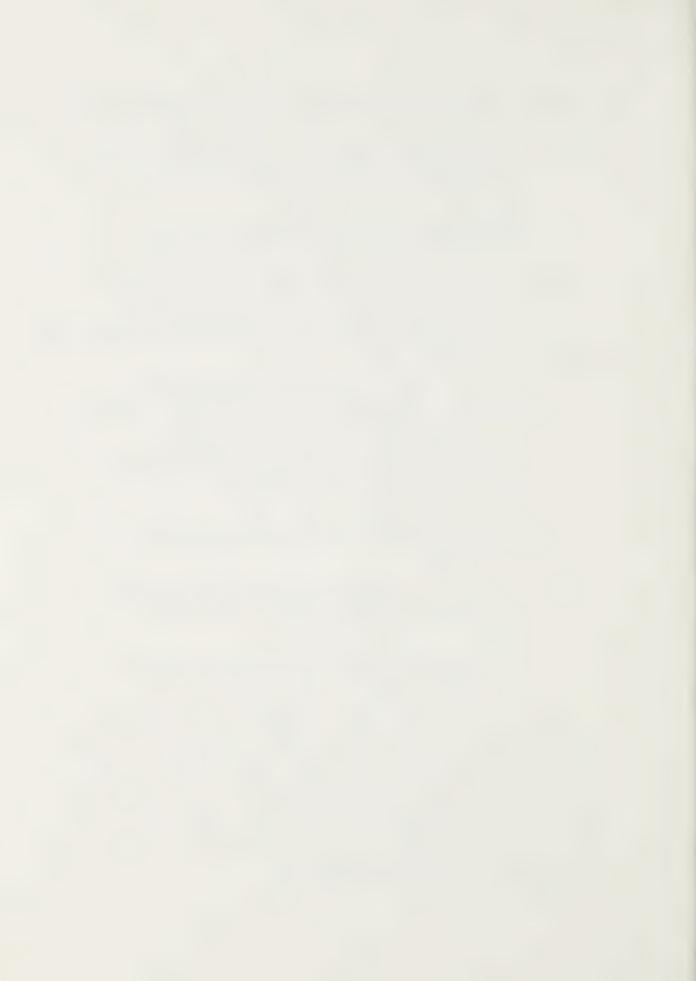
all areas within the Parkway Belt can realistically be expected to continue in agriculture for obvious reasons such as:

- (i) roads being too narrow for farm machinery (which can require a 19-foot width as well as permits and flags for road movement)
- (ii) farm machinery noise, smells and drifting of spray if distance from homes is not great enough, and
- (iii) stealing of edible crops and trespass damage if population concentrations are close at hand.

Other less obvious reasons for agriculture not flourishing in Parkway Belt strips are:

- (i) possible losses of services such as general drainage, tile draining and line fences supplied by municipalities in the past but likely threatened in the absence of growth and development and with the extra problem of crossing utility corridors
- (ii) insufficient land area to create economic units
 for farming
- (iii) insecurity of tenure which will likely lead to land mining without nutrient replenishment or capital investment, and
 - (iv) vacancy and vandalism that result from slow governing decisions concerning farm lands.

If the Agricultural Code of Practice is any guide, separation seems to be sought by moving agriculture involving undesirable side-effects away from lived-in areas, rather than keeping the lived-in areas away from the best agricultural areas. With prime agricultural lands competing with urban areas, the scales should not always tip in favour of pushing agriculture back, particularly with the Parkway Belt available as a counter-balancing aid.



WE RECOMMEND that the major objectives be expanded to include food production and other agriculture where appropriate in the Parkway Belt West, and that specific policies on land tenure in economic units, service continuance and other policies recognizing agriculture as a desired use in those parts of the Parkway Belt that are appropriate, be set forth.

(e) Agricultural Code of Practice

From first glance, the section dealing with the Agricultural Code of Practice (5.3.1 (b) (iii)) would appear to be comprehensive, relying as it does on the Agricultural Code of Practice for Ontario.

Our reading of the Code, however, would indicate that the only relevant sections are those dealing with pollution problems resulting from certain farm operations and the resulting space needs. Matters such as appropriate farm products for the conditions to be encountered including the nearness of urban areas, economic farm unit sizes, etc. are not included.

To be useful in specifying the types of agriculture use desired in the Parkway Belt West, considerably more than the Code is needed. Types of farming that are appropriate to soil and nearness of settlement should be given. Also, among points that should perhaps be clarified in the Plan is the question of when a "farm" becomes an "industry" through a concentration of activity in confined areas such as installation of cheese production facilities on a farm or enclosed chicken-raising in sheds.

WE RECOMMEND that the Plan be changed to specify proposed permitted agriculture policies in addition to those covered by the Agricultural Code of Practice.

(f) Policies for Co-ordinating and Controlling Actions

In section 5.2 on Policies for Co-ordinating Actions, statements are made that



"Provincial-municipal liaison for this purpose will be maintained through advisory committees and approval processes"

and

"It is also intended that quasi-public and private development in Parkway Belt West be co-ordinated with actions by public authorities in order to attain the objectives in the Plan."

The timing and method of handing over of zoning controls to the local municipalities has been thought out (5.3.1 (a)) but we have seen nothing to indicate that the continuing methods for achieving co-ordination have also been determined in sufficient detail. In this connection, we are thinking not only of the conceptual planning for land management but also the later "policing" of development or other land activities to assure compliance with the planning determined.

It is likely that our sister committee, the Municipal Advisory Committee, will devote attention to this area. However, we do see the need for a specific assignment of responsibility for this function—either within the relevant provincial department or with a Toronto-Centred Region Committee, should such an on-going co-ordinating device be favoured.

In our view it is important that the Plan be implemented in a consistent manner by the municipalities when they take control. The mere existence of official plan approvals at Ministerial or Municipal Board levels and Committees of Adjustment may not be enough to assure reasonable consistency in either the plan development or the actual implementation.

WE RECOMMEND that the implementation procedure of the Parkway Belt West Plan be described in the Appendix to the Plan as a guide to necessary efforts by municipalities to co-ordinate their activities and as a determination of landowners' responsibilities in order to assure consistent implementation procedures. Additionally, the government should give thought to how it can further ensure by specific responsibility the existence of an orderly implementation process and so outline in the Appendix.



(g) Review

In dealing with reviews of this Plan and of municipal official plans, it is stated (5.3.1 (b) (viii)) that such reviews

"shall include examination of the impact on Parkway Belt West objectives and policies of the cumulative effects of zoning amendments, Committee of Adjustment and Land Division Committee decisions, plans of subdivision and interpretations of boundaries and quantitative provisions in the Parkway Belt West Plan."

However, there is no time interval given between reviews nor is there other assurance that such reviews will actually be done.

WE RECOMMEND that the Parkway Belt West Plan include a description of the responsible review authority and of review procedures and clearly state that the Plan must be reviewed at five-year intervals as required by the Ontario Planning and Development Act (1973).

(h) Control by Zoning

As described earlier, the problem for the landowner affected by the control outlined in this section (5.3.2 (b)) in our view is grossly unfair and should be remedied by our earlier recommendations. There appears to be a slight relief in the following section (5.3.2 (c)) dealing with lands that are to be acquired for public use after a 10-year period, but in our view the relief is mostly of little impact. Even though temporary zoning uses up to 10 years may be permitted, it is unlikely that much of any future use value will be restored and reflected in the price that a new purchaser will be willing to pay.



WE RECOMMEND that, if our recommendations concerning public land acquisition and down-zoned land adjustments are followed, these sections on zoning control and interim zoning be appropriately modified.

(i) Expansion of Business Existing in Complementary Use Areas

The Parkway Belt West Plan recognizes in section 5.3.3 (a) (v) that business uses existing at the commencement of the Plan may continue and that existing buildings or structures may stand and be used, even though non-conforming to Parkway Belt objectives. However, exemptions would have to be sought where a business wishes to extend a building or plan a new building on land that it already owns in the Parkway Belt and may have bought for such purpose.

At present, we are informed that where the integrity of the Plan is not threatened, staff is using its best efforts to have exemptions for business expansions approved by the Parkway Belt Steering Committee and the minister, except generally when the land is slated for public acquisition or where in the Northern Link from Woodbridge to Markham the final location of the hydro-electric transmission line may not be determined until after the hearings and several optional locations are being protected. We have no quarrel with such a procedure provided those cases not capable of receiving exemption are dealt with by compensation or re-location assistance as discussed earlier.

However, we are concerned that the precedents from current exemption decisions may have little bearing on future interpretation matters after the Plan has been handed over to municipalities for amendments to official plans and for processing applications to Committees of Adjustments. Even though provincial review of plan changes and Committee of Adjustment decisions continue, we would prefer not to rely on these provincial reviews, but rather would like to see in the Plan general guidelines or criteria on limits of flexibility set forth for the guidance of local officials.



We are also concerned that municipalities be in a position to act and do act within a reasonable period after the implementation of the Parkway Belt West Plan to end uncertainties that are so injurious to business planning. In this connection, a set date by which the implementation must be completed will help assure this result. We believe that a 5-year period from June 1973 should prove adequate, yet reasonable for those businesses the expansion planning of which is affected.

WE RECOMMEND a continued policy of flexibility to permit business expansions that do not threaten the integrity of the Plan, provincial compensation or re-location assistance where the Plan will not permit such expansions, a setting forth in the Plan of the general criteria or guidelines in administrating the Plan to be followed by local authorities and a date of June 4, 1978 by which all steps must be completed.

SECTION 6.1 - ESCARPMENT LINK

(a) University Campuses

Our committee had difficulty in reaching a consensus on the validity of including university campuses in the Parkway Belt when the university lands contain some valley or shoreline lands appropriate for Parkway Belt purposes. The staff-developed Plan includes the McMaster campus and excludes the Erindale campus.

In general, some committee members felt that the growth and development of universities should not be inhibited by additional restraints and approvals resulting from inclusion in the Parkway Belt. Others saw Parkway Belt constraints as an additional instrument to help ensure that universities develop in a physically beautiful, park-like setting.

Given this divergence of view, the committee was unable to arrive at a consensus concerning the apparent contradiction of including McMaster and excluding Erindale. Both campuses,



to be consistent, should be treated in the same way. One solution might be to exclude the built-up areas of both (table land for both campuses) and include in the Parkway Belt only the wooded slopes and marsh areas (McMaster) and valley lands (Erindale).

WE RECOMMEND that the Parkway Belt Task Force re-evaluate its position on McMaster and Erindale College and university campuses that may be affected in the Parkway Belt East (Scarborough College) to determine whether they should be included or excluded.

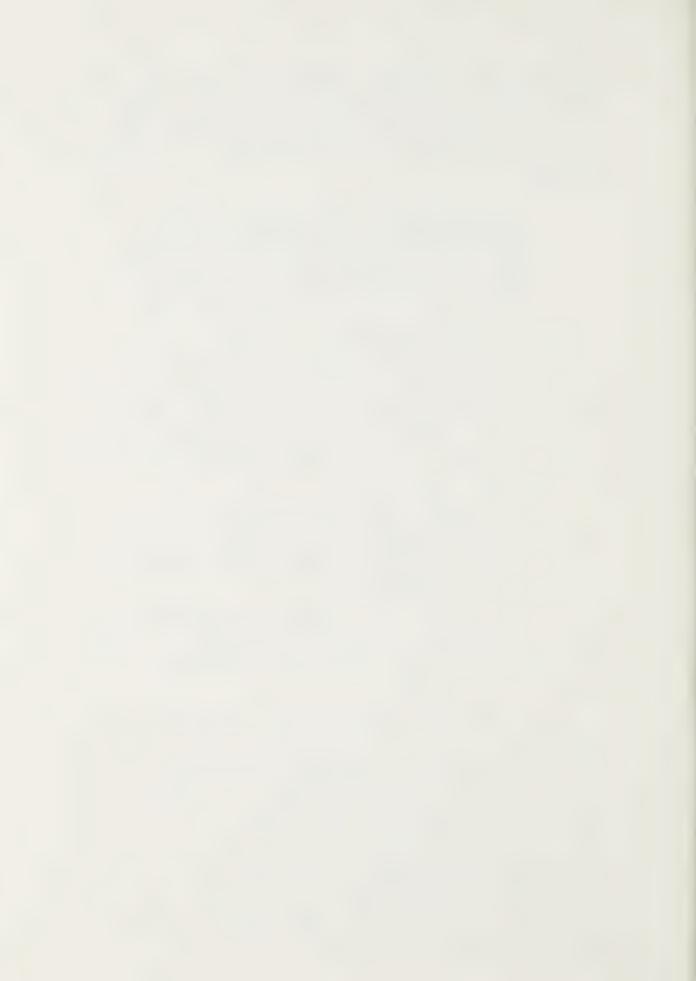
(b) Hamilton Harbour Waterlots

Some committee members expressed reservations about inclusion of Hamilton Harbour waterlots in the Parkway Belt West because Plan constraints would prevent the filling in of these lots for industrial purposes, for expansion of the CN line in the area for future rapid transit, or for expansion of the CN Stuart Street yard.

The rapid-transit objection may not be an important factor because Parkway Belt planners suggest a different route for future rail rapid transit leading to the activity centre in Hamilton, not the harbour line.

But the Plan as drawn by Parkway Belt planners does pose the possibility of removing the waterlots as an option for creation of new land for industrial development including expansion of the CN Yard.

At the same time it is important to be aware of the dangers posed by filling of the waterlots to the ecological health of both Grindstone Creek and the low-lying marsh area of Cootes Paradise, both of which drain into Hamilton Harbour. The filling-in of waterlots could seriously interfere with drainage patterns and cause other adverse effects. In the case of waterlots, it seems important to decide which has the highest priority--preservation of certain natural ecologically-important areas or supporting existing and new industrial development. Perhaps it will prove possible to discover some kind of trade-off between the two.



WE RECOMMEND that the Hamilton Harbour waterlots continue to be included in the Plan so that the exemption of these lands for industrial, rapid transit or rail yard purposes if later required, could be determined by the appropriate processes required as contemplated in the future administration of the Plan.

SECTION 6.2 - SOUTHERN LINK

(a) Credit River mini-belt

The node on the east-west corridor of the Southern Link at the Credit River is in our view too narrow to accomplish much of the separation objective between the Mississauga and Streetsville urban areas as stated in section 6.2.2 (f).

There is also a node at the Credit River on the northern corridor which we understand at one stage in the preparation of the Plan led to thoughts of a north-south corridor along the Credit River from the northern node to the southern one. With the land to the east of such a possible corridor intended to remain undeveloped (the "hole-in-the-doughnut" area) this would have seemed logical and we are at a loss to know why the idea was not pursued further.

We understand that development has been discouraged in the "hole-in-the-doughnut" area (the area east of the Credit River, west of the Airport Mini-belt and between the Southern and Northern links) by Ontario government policies or practices other than those contained in the Parkway Belt West planning. So long as this area does remain undeveloped, then the narrowness of Parkway separation on three sides bounded by the Parkway Belt creates no special problems and there appears no need for these lands to be included in whole or in part within the Parkway Belt. However, should the provincial policies on discouraging development be considered for change, we would be concerned if the Parkway Belt were not reviewed for possible widening of the surrounding corridors to further the separation objectives.



On the fourth side, which also forms the eastern edge of the Streetsville Urban Area, we are left at present without a Parkway Belt West separation in the Plan. As we were informed during our meetings that the expectation is for an urban area spreading in a L-shape west from the present Mississauga developed area and then north to the Streetsville Urban Area in an almost unbroken whole, then the definition of the eastern edge of the Streetsville Urban Area becomes more important.

This additional mini-belt would:

- (i) encompass all or most of the Credit River valley between the Southern Link and the Northern Link to serve as a natural and defined edge for the Streetsville Urban Area
- (ii) assist in protection of the Credit River watercourse and banks
- (iii) provide a recreation area for urban population and provide an extension of the "area to remain undeveloped" westward towards the Streetsville Urban Area.

WE RECOMMEND that an additional mini-belt be developed within the Parkway Belt West to include major portions of the Credit River valley between the Southern and Northern links.

(b) Malton Airport

The Toronto International Airport at Malton represents a major transportation use which also serves as a separation, much like other transportation elements included in the Plan. While there seems no immediate pressing need for inclusion, we believe that sometime in the future the airport use of lands might change and that such change should be guided by the same considerations as other lands within the Parkway Belt. With the airport lands not included in the Parkway Belt, there is less likelihood of intergovernmental consult-



ation should changes in airport use affecting other parts of the Parkway Belt be contemplated than if the airport lands were shown within the belt.

We do recognize that the inclusion of federal lands within the Parkway Belt will require advance discussion and indication to the federal government of why the lands should be subject to area planning. Just as the federal government has accepted the equivalent of local government taxes by grants in lieu, we believe that it will accept this broader approach to the planning of regional facilities.

WE RECOMMEND that discussions with the federal government be commenced with the purpose of including the Toronto International Airport within the Parkway Belt West.

SECTION 6.3 - NORTHERN LINK

(a) Railways

Railway representatives on our committee warned repeatedly of inhibitions placed on industrial development alongside railway trackage in the Northern Link through inclusion of such lands in the Parkway Belt, and/or the limitations of access to trackage through the placing of linear facilities such as electric transmission lines alongside rail facilities. They suggested that the province would not be well served if scarce serviced industrial and commercial lands were to be in even shorter supply.

Our committee feels that the government should recognize that its Parkway Belt West Plan may have adverse effects on the provincial economy unless suitably accessed industrial commercial lands are otherwise available. This is particularly a problem in the Northern Link, located as it is in an area where so much track and potential for adjoining warehouse and spur line served industrial plants exist.



WE RECOMMEND

- (i) that Parkway Belt linear facilities in the area west of Markham, and again immediately west of Highway 400 where the Ontario Food Terminal is planning to relocate, be planned other than in areas adjoining the rail tracks yet within the Parkway Belt, widening the belt to the north if necessary.
- (ii) that in cases where rail has been included in the Parkway Belt, as a hard edge, linear facilities should be moved to a new location within the Parkway Belt if they prevent access from the rail lines to the adjoining lands outside the Parkway Belt.

(b) Jail Farm Site

The committee expressed concern over the narrowness of the link south of Richmond Hill east of Yonge Street, where the link as presently designed is primarily a transportation and utility corridor. As a result, the overall Parkway Belt objective of achieving open space separation between urban areas is scarcely realized in this sector with so little Parkway Belt between Richmond Hill and Metropolitan Toronto.

This sector deficiency could be simply and largely rectified by adding all or part of the old Toronto Jail Farm site to the Northern Link. The site lies north of Highway 7 between Yonge and Bayview.

The vacant 700-acre tract is already publicly owned (City of Toronto), contiguous to the Highway 7 boundary of the staff-produced Parkway Belt Plan and would therefore provide an excellent site for some public or quasi-public recreation or some other open-space-oriented public facility. As a recreation site within the Parkway Belt, it would serve not only nearby population areas, but is large enough to emerge as a regional facility.

One drawback to inclusion of the site into the Parkway Belt as public land is the CN rail line that passes through



it, thus inhibiting possible future industrial development on each side of the track. This inhibition could be largely removed by incorporating into the Parkway Belt only the jail farm site east of the north-south track, thus sterilizing only one side of the track for industrial development requiring rail access. The jail farm area between the rail line and Yonge Street would permit other uses in that area including industrial/commercial as other government levels saw fit.

WE RECOMMEND inclusion of the Toronto Jail Farm site east of the CN rail line in the Parkway Belt West as public open space and that the rail line serve as the hard-edge western boundary of the incorporated area.

SECTION 6.4 - BURLINGTON-OAKVILLE MINI-BELT

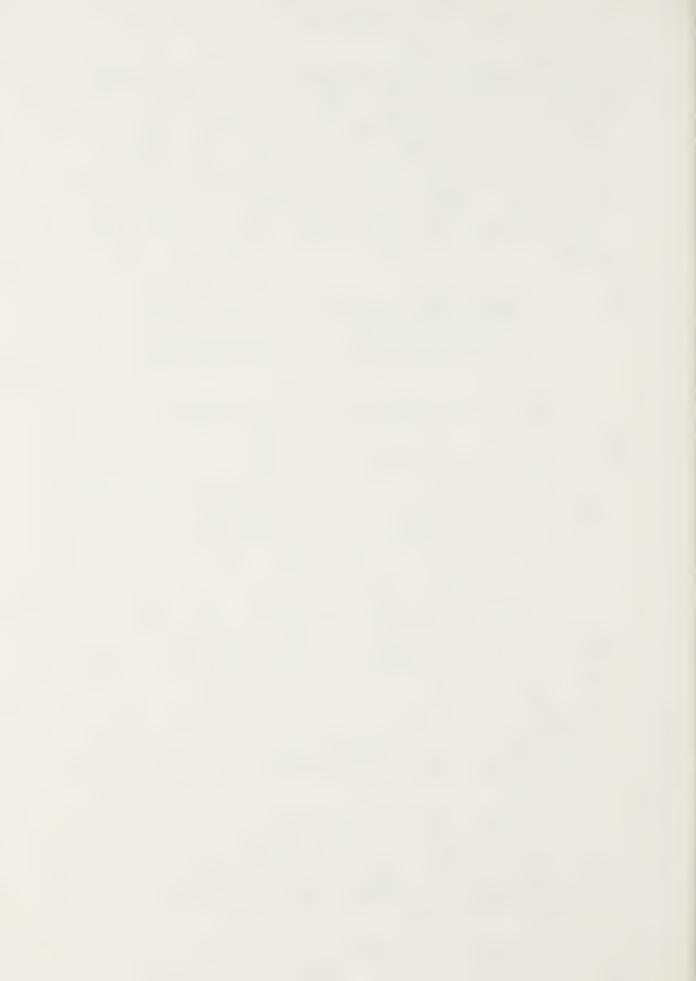
(a) Oil Companies and Lido Golf Centre

As a committee we recognize that the Burlington-Oakville Mini-belt is too narrow between Rebecca Street and the CN line to serve as an effective separator between the Oakville and Burlington urban areas. It would seem important to widen the belt in this area.

One option is to include more of the Shell and BP refining property on the west, but this step would impose certain development constraints which already affect those parts of their property included in the Parkway Belt at the current stage of development.

While it would undoubtedly improve the Parkway Belt to include other refinery lands, the committee is aware of the burden it would impose on the refineries' freedom of action in so doing.

A similar trade-off problem exists in connection with the Lido Golf Centre, which lies between the CN line and the Queen Elizabeth Way. This 75-acre parcel had been developed as a golf course by government agreement as an interim step



prior to full-scale industrial development. However, it was subsequently included in the mini-belt to achieve adequate open-space separation between the Oakville and Burlington urban areas. Significant width is particularly required for the Parkway Belt at this point because the mini-belt is breached by east-west transportation (CN and Queen Elizabeth Way) and utility (Ontario Hydro) corridors. Suggestions for exclusion of the Lido Golf Centre from the Parkway Belt would cause severe damage to the Parkway Belt.

WE RECOMMEND that the present Parkway Belt plans be continued which would leave the Lido Golf Centre in the Parkway Belt and not add any new refinery lands to the Plan.

SECTION 6.5 - OAKVILLE-MISSISSAUGA MINI-BELT

(a) Separation north of Southern Link

The separation width between the proposed Oakville North Urban Area and the Streetsville Urban Area in our view is not very great north of the Southern Link.

Two alternatives suggest themselves to us -

- (i) moving the western boundary of the North-South corridor from the present planned location cutting the lots in the middle, further west to the 8th Line, or
- (ii) moving the eastern boundary half-way to the 10th Line including several tree stands close by.

To follow the first alternative by widening the belt to the west, the proposed urban area of Oakville North will be made somewhat smaller, which may or may not cause concern. The recently released COLUC report indicates that Oakville North piped services trunk extensions are not likely until after 1990 (Table 6) and that "mature" population and employment totals will be considerably less than Erin Mills to the east (Figure 5).



In addition, in widening the belt to the west, the second half of lots already halved would be added to the Parkway Belt areas (not too serious a concern if our recommendations on treating affected landowners are followed).

To follow the second alternative by widening the belt to the east, the Streetsville Urban Area will be restricted somewhat in potential land for development.

Our committee would like to see a widening of the Oakville-Mississauga Mini-belt between the Southern and Northern Links, but in this case it may be desirable to leave the mini-belt at the planned width if the needs for serviced land for development continue to be strong. If not, then one or other of the widenings would be desirable, this choice being one where we did not attempt to reach a conclusion.

(b) Separation South of Southern Link

The separation south of the Southern Link between the Mississauga Urban Area and the Oakville Urban Area is also ineffective in our view.

Due east of the Ford plant, there is a tree nursery and a wooded area (south of the tracks) which from our on-site inspection would appear desirable to have included. At the same time, inclusion of such land would eliminate the possibility of industrial development related to the nearby CN line.

Once again, we regret that we were not able to come to any near unanimous view in our committee on whether the Park-way Belt should be enlarged in this area or not, and we must content ourselves with highlighting a concern at narrowness in this area.

SECTION 6.6 - AIRPORT MINI-BELT

Other than our earlier-mentioned views that the narrow width of this corridor is acceptable assuming that development does not occur in the "hole-in-the-doughnut" area to the west, we have no comments to make on this link in the Parkway Belt West.



PUBLIC PRESENTATION

(a) <u>Assistance to Groups Preparing Submissions for Public</u> Hearing

We understand that some thought has been given to the provision at public expense of grants to groups indicating a desire to prepare and present a submission to the public hearings to be held on the Parkway Belt West.

In our view and subject to the adoption of our recommendations dealing with improvement of the information available on tie-ins to other schemes, multi-colour mapping and justification, a complete outline in sufficient depth for understanding will be available without the need for assignment of significant amounts of staff time or grants to the interested groups.

However, we were impressed with the advantages of our on-site inspection by bus tour. While it is unreasonable to expect any general offering of similar tours, we do believe that particular points of interest could be noted on maps distributed to those interested in making their own tours, and that temporary displays and descriptive signs could be located at these points to assist those persons taking their own tours.

(b) Written Questions in Advance

At the time of public notice of the designation of the public hearing body and the procedures to be followed, we believe that it would be worthwhile to incorporate a service to those interested in appearing whereby they could send in written questions and requests for information to the staff which the staff would answer unless the requests were unreasonable. We realize that this process is generally followed informally but believe it desirable to make clear to all interested that questions on interpretation and other information can be cleared up or obtained in advance.

End









